

IFW

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT (Under 37 CFR 1.97(b) of 1.97(c))				Docket No. 50011-00006	
In Re Application Of: BURKART					
Application No. 10/828,937	Filing Date April 20, 2004	Examiner Not Yet Assigned	Customer No. 25231	Group Art Unit 3679	Confirmation No. 5101
Title: FENCE POST ACCESSORY APPARATUS					
<p>Address to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p> <p>37 CFR 1.97(b)</p> <p>1. <input checked="" type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.</p> <p style="text-align: center;">37 CFR 1.97(c)</p> <p>2. <input type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:</p> <p style="padding-left: 40px;"><input type="checkbox"/> the statement specified in 37 CFR 1.97(e);</p> <p style="text-align: center;">OR</p> <p style="padding-left: 40px;"><input type="checkbox"/> the fee set forth in 37 CFR 1.17(p).</p>					

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
50011-00006In Re Application: **BURKART**

OCT 04 2004

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/828,937	April 20, 2004	Not Yet Assigned	25231	3679	5101

Title: **FENCE POST ACCESSORY APPARATUS****Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 50-1419 as described below.
- ☐ Charge the amount of _____
- ☐ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**Certificate of Transmission by Facsimile***

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. _____)

(Date) _____

Signature _____

Typed or Printed Name of Person Signing Certificate _____

Certificate of Mailing by First Class Mail

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, September 28, 2004."

(Date) _____

Signature of Person Mailing Correspondence _____

Bobbie D. Simon

Typed or Printed Name of Person Mailing Certificate _____

***This certificate may only be used if paying by deposit account.**

Dated: September 28, 2004

Russell T. Manning, Esq.

Registration No. 51,260

MARSH FISCHMANN & BREYFOGLE LLP

3151 South Vaughn Way, Suite 411

Aurora, Colorado 80014

(720)562-5502

CC:



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

BURKART et al

Serial No.: 10/828,937

Filed: April 20, 2004

Confirmation No.: 5101

Atty. File No.: 50011-00006

For: "FENCE POST ACCESSORY
APPARATUS"

) Group Art Unit: 3679

)

) Examiner: Not Yet Assigned

)

) INFORMATION DISCLOSURE STATEMENT

)

)

)

)

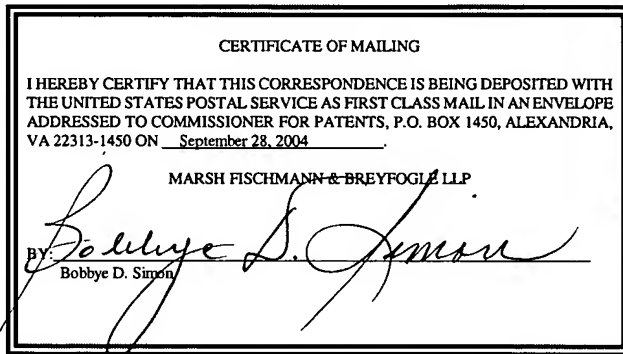
)

)

)

)

)



Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to Applicant's duty of disclosure under 37 CFR § 1.56 and 37 CFR §§ 1.97-1.98, Applicant hereby provides a copy of each of the documents identified on the enclosed PTO Form 1449, although Applicant does not admit that any of such documents, alone or in any combination, is considered to be material to patentability as defined in 37 CFR § 1.56(b). Moreover, the inclusion of these documents is not to be construed as an admission by Applicant that each such document is prior art as to the above-identified application.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By: 

Russell T. Manning, Esq.
Registration No. 51,260
3151 South Vaughn Way, Suite 411
Aurora, Colorado 80014
(720)562-5502

Date: September 28, 2004

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

OCT 04 2004

ATTY DOCKET NO.

50011-00006

SERIAL NO.

10/828,937

FILING

April 20, 2004

GROUP

3679

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	a.	3,744,117	07/1973	Heenan et al	29	416	
	b.	D255,472	06/1980	Gabriel			
	c.	D309,788	08/1990	Koziol	D26	67	
	d.	5,149,149	09/1992	Wu			
	e.	5,419,536	05/1995	Bender			
	f.	5,660,376	08/1997	West			
	g.	5,853,167	12/1998	West et al			
	h.	5,971,365	10/1999	Pigott et al			
	i.	6,076,807	06/2000	Spence			
	j.	6,135,623	10/2000	Lin	362	431	
	k.	2002/0072023	06/2002	Shook	431	350	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION*(Use several sheets if necessary)*

ATTY DOCKET NO.

50011-00006

SERIAL NO.

10/828,937

FILING

April 20, 2004

GROUP

3679

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	l.	2002/0125468	09/2002	Fischer	256	19	
	m.	2002/0148183	10/2002	Grant	52	300	
	n.	D497,023					
	o.	D495,086	08/24/2004	Burkart, et al.	D26	113	
	p.	D494,311	08/10/2004	Burkart, et al.	D26	128	
	q.	6,722,637	04/20/2004	Burkart, et al.	256	1	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.